REMARKS

Claim 22 has been objected to as having an informality in the preamble of the claim.

Claim 22 is amended to correct this error.

Claim 22 has been rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that this claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner asserts this rejection with respect to the amended phrase "computer-readable medium," which was added to the claim by earlier amendment in response to a 35 USC §101 rejection.

Applicant asserts that this rejection is improper as the scope of the claim has not been amended beyond its original extent. The subject matter of claim 22 is fully supported by the specification as well as original claim 22. Claim 22 originally claimed a "set of executable instructions for creating a spatio-temporal array of dither patterns." It is certainly not beyond the abilites of one skilled-in-the-art to determine that the "executable instructions" may be implemented by a computer or that the instructions may be recorded on a computer-readable medium. Those skilled-in-the-art use computers and computer-readable media for similar processes and might be hard-pressed to find a way to avoid using a computer and computer-readable media to implement the claimed invention. It is understood by those skilled-in-the-art that methods are implemented by computer means and that a list of method steps or elements is sufficient to enable the use of a computer program implementing those steps or elements. In *Robotic Vision Systems, Inc. v. View Engineering, Inc.*, 112 F. 3d 1163, 1166-1167 (Fed. Cir.

1997), software patent claims were held valid when the specification made no explicit mention of a computer software program at all. The court reasoned that the functions of the software were adequately disclosed even though the inventors had not specifically stated that the invention involved any software.

Furthermore, figures 1 and 2 illustrate systems with components that are readily recognized as digital computing devices to those skilled-in-the-art. Additionally, paragraph one of the detailed description describes several devices that may be used to implement the present invention. Exemplary implementations described in this paragraph comprise a display algorithm, a digital display device such as a liquid crystal display (LCD), a graphics controller with limited video RAM and an internal hardware driver. Clearly, these devices and implementations are known to those skilled-in-the-art to consist of or use software.

Applicant respectfully requests that this rejection be reconsidered in light of the above argument.

Claim 21 has been rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 21 was amended in the response to the Office Action dated March 25, 2008 to correct the reference to a "method" in this system claim. The examiner has also rejected this claim citing that the term "designator ..." is indefinite. Claim 21 is amended to more clearly connect this term with its functional elements.

Claims 14, 15, 18, 21 and 22 are rejected under 35 US 102(e) as being anticipated by US

Published Patent Application No. 2003/0164961 to Daly (hereinafter Daly).

The rejection is improper as it fails to present a prima facie case of obviousness. Daly

does not disclose a method for creating a dither pattern in which dither pattern pixel values are

dispersed from values in other color channel or image description channels. Daly shows, in

conjunction with Figures 3-5, that different dither pattern tiles may be used for each color

channel, but does not disclose a method whereby the dither patterns in the tiles are created with

feedback related to pixel values in the dither patterns of other color channels.

Claim 14 comprises the element :

"designating pixel values in said dither pattern tiles wherein subsequently-designated

pixel values are spatially dispersed from previously-designated pixel values in the same dither

pattern tile and *dither pattern tiles in other color channels.*" Emphasis added. Daly does not

disclose this element wherein pixel values in the dither pattern tiles are designated by spatial

dispersion from pixel values in other color channels.

Claims 15 and 18 are dependent on claim 14 and are patentable for the reasons stated

above in relation to claim 14.

Claim 21 comprises the element of:

"a designating computing device for designating pixel values in said dither pattern tiles

wherein said designating computing device designates subsequently-designated pixel values that

are *spatially dispersed* from previously-designated pixel values in the same dither pattern tile and

dither pattern tiles in other color channels."

This element is not taught in Daly.

Claim 22 comprises the element of:

"designating pixel values in said dither pattern tiles wherein subsequently-designated pixel values are *spatially dispersed* from previously-designated pixel values in the same dither pattern tile and *dither pattern tiles in other color channels*." This element is not taught in Daly.

Applicant respectfully requests that the examiner reconsider this rejection in light of the above amendments and argument.

Claim 16 is rejected under 35 US 103(a) as being anticipated by US Published Patent Application No. 2003/0164961 to Daly (hereinafter Daly) in view of US Patent No. 4,758,893 to Lippel (hereinafter Lippel).

Claim 16 is dependent on claim 14 and comprises the element described above in relation to claim 14. The combination of Daly and Lippel does not disclose designating dither pattern pixel values that are spatially dispersed from those in other color channels.

Claim 17 is rejected under 35 US 103(a) as being anticipated by US Published Patent Application No. 2003/0164961 to Daly (hereinafter Daly) in view of US Patent No. 7,110,010 to Masuji (hereinafter Masuji).

Claim 17 is dependent on claim 14 and comprises the element described above in relation to claim 14. Masuji teaches the selection of a dither pattern based on a color gradation level. Masuji does not teach creation of a dither pattern array using spatial dispersion related to pixel values in the dither pattern of other color channels as claimed in claim 14. The combination of Daly and Masuji does not disclose designating dither pattern pixel values that are spatially dispersed from those in other color channels.

In light of the above amendments and arguments, applicant requests that this application

be allowed in its current form.

Respectfully submitted,

/Scott C. Krieger/
Scott C. Krieger
Reg. No. 42,768
Tel. No.: (360) 828-0589